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MEDIA**

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EX PARTE OR LATE FILED

July 7, 1997

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL
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FCC

Re: Ex Parte Presentation in
MM Dk. No.95-176 (Closed Captioning/Video Programming Accessibility)

Dear Mr. Caton:

In accordance with the Commission's ex parte rule, 47 C.F.R. Sec. 1.1206, an original and a copy of this letter are being filed in MM Docket 95-176 as notification of an ex parte meeting on Thursday, July 3, 1997 between Jeffrey Hops, Director of Government Relations for the Alliance for Community Media, Jim Horwood of Spiegel & McDiarmid (outside counsel for the Alliance), and Marcia Glauber, Esq., JoAnn Lucanik, Esq., John Adam, Esq., and Alexis Johns, Esq. of the Commission's Cable Services Bureau

The Alliance expressed its concern that closed captioning rules to be issued by the Commission take into account the hardship status of public, educational and governmental access centers on cable channels. A draft copy of the Alliance's "Franchise Terms Survey" was presented at that meeting; a copy is attached.

Please contact me if you have any further questions regarding this matter.

Respectfully Submitted,

Jeffrey S. Hops, Esq.
Director, Government Relations
Alliance for Community Media

Enclosure (1)

cc: Marcia Glauber, Esq.
JoAnn Lucanik, Esq.
Alexis Johns, Esq.
John K. Adams, Esq.

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FRANCHISE TERMS SURVEY

RECEIVED
JUL 21 1997
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INTRODUCTION

This franchise survey report is designed to allow the reader to compare access terms provided to other systems as a tool in the franchise negotiation process. The data for this preliminary draft have been collected from survey forms sent by the Alliance for Community Media to its organizational members in June 1997. The data have been entered, as much as possible, in the form provided by the respondent. Comments of the editor appear in brackets within entries. The entries are alphabetized first by state (using the two-letter postal abbreviations), then by city.

EXPLANATIONS

Franchise Expiration: If the survey respondent provided only the year of the franchise expiration date, it is listed as expiring on the first day of the year. If the respondent provided only the month and year of expiration, it is listed as expiring on the first of the month.

Subscribers: The figure has been entered if provided by the respondent. Otherwise the figure has been obtained from the 1997 *Television and Cable Factbook* (Vol. 65. Washington, DC: Warren Publishing). *Please note:* some of the subscriber figures include more communities than the one(s) listed for a given entry. For this reason, direct comparisons of systems by subscriber size are not always possible.

Capital support: Where possible, this figure consists only of capital (as distinguished from operational) support. Where this is not so (as evidenced by answers provided on the survey form), it has been noted.

ABBREVIATIONS USED

F/S/E: Facilities, Staff, and Equipment.

FTE: Full-Time Equivalent (for staff).

ACKNOWLEDGMENTS

The Alliance wishes to thank all the members who responded to the survey as well as Jim Horwood and Spiegel & McDiarmid of Washington, DC for allowing use of their research resources.

DISCLAIMER AND REQUEST FOR UPDATES

While every effort has been made to assure the accuracy of the data (as supplied by survey respondents), the Alliance cannot guarantee its validity. This is a PRELIMINARY DRAFT only and we encourage respondents to contact the Alliance to correct any mistakes and/or clarify any ambiguities.

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City/County: Fayetteville

State: AR

Subscribers: 19,400

Local Operator: TCA Cable TV

Parent Company:

Franchise Fee %: 5

Annual Capital Support: \$0.00

Facilities/Staff/Equipment: Capital support includes \$350,000 lump sum and three \$35,000 payments. G has staff of 5 and P has staff of 3.

Institutional Network: No

Public: 1

Educational: 1

Governmental: 1

Franchise Expiration Date:

ACCESS MANAGEMENT

☒ **Non-Profit Organization**

☒ **Educational**

☒ **Governmental**

☐ **Cable Operator**

☐ **Other Telecom**

ACCESS TYPE

☒ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **P** ☒ **E** ☐ **G** ☐ **Unspecified**

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☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes:

City/County: Cupertino

State: CA

Subscribers: 13,680

Local Operator: TCI Cablevision of California

Parent Company: TCI

Franchise Fee %: 5

Annual Capital Support: \$106,666.00

Facilities/Staff/Equipment: Capital support figure includes F/S/E (total \$1.6 million over 15 years).

Institutional Network: Yes

Public: 1

Educational: 2

Governmental: 1

Franchise Expiration Date: 1/1/2010

ACCESS MANAGEMENT

ACCESS TYPE

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Notes: Public access operates out of community college facility. I-NET exists but is not widely used.

City/County: Davis

State: CA

Subscribers: 9,147

Local Operator:

Parent Company: TCI

Franchise Fee %: 5

Annual Capital Support: \$75,000.00

Facilities/Staff/Equipment: Of the 5% franchise fee, 60% goes to P, 40% to G, 0% to E.

Institutional Network: No

Public: 1

Educational: 1

Governmental: 1

Franchise Expiration Date: 1/1/2003

ACCESS MANAGEMENT

ACCESS TYPE

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Notes: P (DCTV) has a contract with city. It's up for renewal every four years. We just this year negotiated a special funding arrangement for E. P will give \$5000 and G will give \$3000 to E in first of remaining years of P's contract. In second year, P will give \$10,000 and G will give \$6000. In last year, P will give \$15,000 and G will give \$10,000. At end of year 3, The P/E/G "contracts" will all be renegotiated. Hopefully they'll see value in a unified PEG, something they were reticent to try before. (At that point, we'll still have 3 years remaining on franchise agreement.)

City/County: El Monte

State: CA

Subscribers: 12,245

Local Operator:

Parent Company: Liberty Cable

Franchise Fee %: 5

Annual Capital Support: \$10,000.00

Facilities/Staff/Equipment: F/S/E receives \$75,000 annually.

Institutional Network: Yes

Public: 1

Educational: 1

Governmental: 1

Franchise Expiration Date: 9/1/97

ACCESS MANAGEMENT

ACCESS TYPE

☒ **Non-Profit Organization**

☒ **P** ☒ **E** ☐ **G** ☐ **Unspecified**

☐ **Educational**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☒ **Governmental**

☐ **P** ☐ **E** ☒ **G** ☐ **Unspecified**

☐ **Cable Operator**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **Other Telecom**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes:

City/County: Gardena

State: CA

Subscribers: 66,019

Local Operator:

Parent Company: Time Warner

Franchise Fee %: 0

Annual Capital Support: \$50,000.00

Facilities/Staff/Equipment: None

Institutional Network: No

Public: 1

Educational: 0

Governmental: 1

Franchise Expiration Date: 8/9/97

ACCESS MANAGEMENT

☒ **Non-Profit Organization**

☐ **Educational**

☒ **Governmental**

☐ **Cable Operator**

☐ **Other Telecom**

ACCESS TYPE

☒ **P** ☐ **E** ☒ **G** ☐ **Unspecified**

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Notes:

City/County: Millbrae

State: CA

Subscribers: 34,327

Local Operator: TCI Cablevision, Inc.

Parent Company: TCI

Franchise Fee %: 0

Annual Capital Support: \$6,000.00

Facilities/Staff/Equipment: 1 trailer with built-in facility for televising live council meetings; porta-pak camera; automatic tape playback; volunteer staffing.

Institutional Network: No

Public: 1

Educational: 0

Governmental: 0

Franchise Expiration Date: 1/1/2005

ACCESS MANAGEMENT

☒ **Non-Profit Organization**

☐ **Educational**

☐ **Governmental**

☐ **Cable Operator**

☐ **Other Telecom**

ACCESS TYPE

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☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes:

City/County: Morro Bay

State: CA

Subscribers: 20,000

Local Operator:

Parent Company: Sonic Cable

Franchise Fee %: 0

Annual Capital Support: \$0.00

Facilities/Staff/Equipment: Donations only.

Institutional Network: No

Public: 0

Educational: 0

Governmental: 1

Franchise Expiration Date: 1/1/2001

ACCESS MANAGEMENT

ACCESS TYPE

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Notes: Agreement calls for studio; we have none.

City/County: Mountain View

State: CA

Subscribers: 13,537

Local Operator: TCI of California

Parent Company: TCI

Franchise Fee %: 5

Annual Capital Support: \$228,000.00

Facilities/Staff/Equipment: Of the 5% franchise fee paid to the city, 40% goes to P; 30% to G. Capital support is \$300,000 over ten years; \$198,000 yearly (\$73,000 for G capital; \$125,000 for P capital or operating). P: 3500 s.f. with 1000 s.f. studio/2 edit suites/mobile van. G: 500 s.f. central room and council chambers.

Institutional Network: Yes

Public: 1

Educational: 0

Governmental: 1

Franchise Expiration Date: 9/1/2006

ACCESS MANAGEMENT

ACCESS TYPE

☒ **Non-Profit Organization**

☒ **P** ☐ **E** ☒ **G** ☐ **Unspecified**

☐ **Educational**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☒ **Governmental**

☐ **P** ☐ **E** ☒ **G** ☐ **Unspecified**

☐ **Cable Operator**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **Other Telecom**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes:

City/County: Palo Alto

State: CA

Subscribers: 24,800

Local Operator: Cable Co-Op

Parent Company:

Franchise Fee %: 0

Annual Capital Support: \$30,000.00

Facilities/Staff/Equipment: Free rent; shared studio facility with local origination.

Institutional Network: No

Public: 2

Educational: 0

Governmental: 1

Franchise Expiration Date: 3/1/2001

ACCESS MANAGEMENT

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Notes: Many differences between the franchise agreement reached and services the cable company provides, including an institutional network promised in 1986 and not delivered.

City/County: Petaluma

State: CA

Subscribers: 35,300

Local Operator:

Parent Company: TCI

Franchise Fee %: 5

Annual Capital Support: \$79,000.00

Facilities/Staff/Equipment: Capital support breakdown: \$500,000 initial grant plus \$290,000 at year 3 of ten-year franchise. F/S/E includes new access center (2300 s.f.) with 3 camera studio, control room, playback with 13 decks; 2 CG for channels; automated playback; 3 straight cut editing suites. 9 field production kits (camera, tripod, etc); 2 multi-camera field units (all in SVHS format). First class intranet for community. Staff: 3 f/t; 4 p/t; internship program (currently 5 interns).

Institutional Network: Yes

Public: 3

Educational: 0

Governmental: 0

Franchise Expiration Date: 1/1/2005

ACCESS MANAGEMENT

ACCESS TYPE

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| <input type="checkbox"/> <u>Other Telecom</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |

Notes: 3 combined PEG channels [breakdown unspecified]. I-NET: hub for city of Petaluma; link to Santa Rosa, city and surrounding area. TCI has linked several city and educational buildings. Some interconnection to be negotiated.

City/County: Sacramento

State: CA

Subscribers: 227,000

Local Operator:

Parent Company: Comcast

Franchise Fee %: 0

Annual Capital Support: \$0.00

Facilities/Staff/Equipment: Capital support consists of an [unspecified] portion of settlement fees and then license fees.

Institutional Network: No

Public: 2

Educational: 2

Governmental: 1

Franchise Expiration Date:

ACCESS MANAGEMENT

ACCESS TYPE

☒ **Non-Profit Organization**

☒ **P** ☒ **E** ☐ **G** ☐ **Unspecified**

☐ **Educational**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☒ **Governmental**

☐ **P** ☐ **E** ☒ **G** ☐ **Unspecified**

☐ **Cable Operator**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **Other Telecom**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes: Contract with Cable Commission puts the Commission between the company and program operator.

City/County: San Francisco

State: CA

Subscribers: 174,450

Local Operator:

Parent Company: TCI

Franchise Fee %: 5

Annual Capital Support: \$97,000.00

Facilities/Staff/Equipment: In addition to the capital support, franchise provides over nine years: \$4,320,000 for PEG operations; \$200,000 for a mobile van; \$200,000 for government TV studio and \$400,000 to build out walls of new public access TV studio. An additional \$350,000 goes to city for additional wiring of government building, cable products for city use, or PEG capital.

Institutional Network: No

Public: 3

Educational: 0

Governmental: 0

Franchise Expiration Date: 1/1/2005

ACCESS MANAGEMENT

ACCESS TYPE

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| <input type="checkbox"/> <u>Other Telecom</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |

Notes: TCI has promised to wire approximately 174 government buildings for cable.

City/County: Santa Barbara

State: CA

Subscribers: 66,000

Local Operator:

Parent Company: Cox Communications

Franchise Fee %: 5

Annual Capital Support: \$20,000.00

Facilities/Staff/Equipment: 3 separate franchises: franchise fees of 5%, 5%, and 3%; of these, 1.5% of each goes to public access. 2 studio complex, 8 staff, 6 field kits, 2 camera and 3 camera studios, 4 editing suites.

Institutional Network: Yes

Public: 1

Educational: 1

Governmental: 3

Franchise Expiration Date: 9/1/97

ACCESS MANAGEMENT

ACCESS TYPE

- | | |
|--|--|
| <input type="checkbox"/> <u>Non-Profit Organization</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input checked="" type="checkbox"/> <u>Educational</u> | <input type="radio"/> <u>P</u> <input checked="" type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input checked="" type="checkbox"/> <u>Governmental</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input checked="" type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input checked="" type="checkbox"/> <u>Cable Operator</u> | <input checked="" type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Other Telecom</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |

Notes: Other 2 franchises expire 4/99 and 6/2000. No operating expenses; capital only; nothing above 5% as per Cable Act.

City/County: Santa Cruz

State: CA

Subscribers: 47,318

Local Operator:

Parent Company: TCI

Franchise Fee %: 0

Annual Capital Support: \$0.00

Facilities/Staff/Equipment: One time capital support of \$500,000. No franchise fee; instead receive \$.64/sub per month. No mention of F/S/E support in franchise agreement.

Institutional Network: Yes

Public: 1

Educational: 1

Governmental: 0

Franchise Expiration Date: 1/1/2009

ACCESS MANAGEMENT

ACCESS TYPE

☒ **Non-Profit Organization**

☒ **P** ☒ **E** ☒ **G** ☐ **Unspecified**

☐ **Educational**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **Governmental**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **Cable Operator**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **Other Telecom**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes: 2 channels: one for P; the other combined E and G. I-NET: 2 upstream channels, 2 downstream. Our franchise agreement is based on a court order following a lengthy litigation.

City/County: Saratoga

State: CA

Subscribers: 6,132

Local Operator:

Parent Company: TCI

Franchise Fee %: 5

Annual Capital Support: \$5,000.00

Facilities/Staff/Equipment: Of the 5%, 2% goes to access.

Institutional Network: No

Public: 1

Educational: 0

Governmental: 0

Franchise Expiration Date: 9/30/2008

ACCESS MANAGEMENT

☒ **Non-Profit Organization**

☐ **Educational**

☐ **Governmental**

☐ **Cable Operator**

☐ **Other Telecom**

ACCESS TYPE

☒ **P** ☒ **E** ☒ **G** ☐ **Unspecified**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

☐ **P** ☐ **E** ☐ **G** ☐ **Unspecified**

Notes: One combined PEG channel.

City/County: South Whittier Unincorporated (Los Angeles County)

State: CA

Subscribers: 35,000

Local Operator: TCI Cablevision of Los Angeles County

Parent Company: TCI

Franchise Fee %: 0

Annual Capital Support: \$75,000.00

Facilities/Staff/Equipment: We are provided a studio (30' X 50') and office space (600 s.f.). Staff and equipment purchases and maintenance are paid out of capital support monies each year. All expenses to the corporation are budgeted from the grant. Rent and utilities are covered by the cable company.

Institutional Network: No

Public: 1

Educational: 1

Governmental: 0

Franchise Expiration Date: 7/1/98

ACCESS MANAGEMENT

ACCESS TYPE

- | | |
|---|--|
| <input checked="" type="checkbox"/> <u>Non-Profit Organization</u> | <input checked="" type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Educational</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Governmental</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Cable Operator</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Other Telecom</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |

Notes: One access channel is used. One education channel is unused. The franchise agreement is up for renewal July 1, 1998. No negotiations have taken place due to the fact that the franchising office of the county is overloaded with work. It has been indicated to us by the cable company that they intend to write the direct yearly support of the agreement, forcing us to negotiate with the county for funding.

City/County: Whittier (unincorporated)

State: CA

Subscribers: 15,144

Local Operator: Whittier County Community TV

Parent Company: TCI

Franchise Fee %: 0

Annual Capital Support: \$75,000.00

Facilities/Staff/Equipment: Capital support includes operational expenses as well. F/S/E: 20' x 40' studio, 10' x 15' control room, 20' x 20' office, 8' x 10' waiting room; staff: 1 f/t, 1 p/t equipment: one 3-camera studio (1 chip, 10-12 year old camera); SVHS online A/B roll edit system, SVHS cuts only edit system, VHS offline edit system, 4 VHS camcorders for field & limited access to truck.

Institutional Network: No

Public: 1

Educational: 1

Governmental: 0

Franchise Expiration Date: 6/30/98

ACCESS MANAGEMENT

ACCESS TYPE

- | | |
|--|---|
| <input type="checkbox"/> <u>Non-Profit Organization</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Educational</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Governmental</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Cable Operator</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |
| <input type="checkbox"/> <u>Other Telecom</u> | <input type="radio"/> <u>P</u> <input type="radio"/> <u>E</u> <input type="radio"/> <u>G</u> <input type="radio"/> <u>Unspecified</u> |

Notes: [Management and access types not specified.] We are currently in communication with the county cable office overseeing the franchise renewal process--we are told we cannot come to the table.